

### **Remark**

Applicants respectfully request reconsideration of this application as amended. No claims have been amended. No claims have been cancelled. Therefore, claims 1-21 remain present for examination.

### **35 U.S.C. §103 Rejection**

#### ***Buehrer and Boariu***

The Examiner has rejected claims 1-9 and 11-22 under 35 U.S.C. §103 (a) as being unpatentable over Buehrer, U.S. Patent Application Publication 2003/0081656 ("Buehrer"), in view of Boariu, U.S. Patent No. 6,865,237 ("Boariu").

Considering Claim 1 more carefully, it recites, "redundantly transmit the information over a multi-carrier wireless communication channel"

The cited section of Buehrer at paragraph 91 reveals that "the input sequence is split into three streams of data  $s_1(t)$ ,  $s_2(t)$ , and  $s_3(t)$  which are then mapped to respective I and Q channels." Paragraph 92 states that "each of the input streams is then partitioned or mapped to even and odd samples into respective I and Q channels." Accordingly, the stream and the I and Q channels are not redundant but each represent a different part of the original input stream. There is no suggestion in Buehrer of redundant transmission.

Claim 1 further recites, "wherein each of the sub-carriers is to be transmitted over an array of two or more antennas." The Examiner refers also to Buehrer for this limitation. However, paragraph 61 refers to the antenna of the mobile. Paragraph 60 states only that there are M antennas to respectively transmit M data signals. This would suggest that one of the M signals is transmitted on each of the M antennas. In other

words, the signal on each antenna is different. This is a clear difference from the claim in which each is transmitted over an array of two or more.

This approach is described in more detail in paragraph 79. It describes the multi-carrier IS-95C embodiment in which the data is split into 3 streams (splitting does not create redundancy). Each stream is modulated onto a different carrier with two carriers sent on one antenna and the middle carrier sent on the other antenna.

Claim 1 further recites, "wherein each of the sub-carriers is modified by a set of complex weights to ensure that each of the sub-carriers of the wireless communication channel propagates along a different physical path to the receiver."

The Examiner refers to Boariu for this limitation, citing Col. 24, line 41 to Col. 25, line 13. Applicants are unable to find any mention of a physical path in this section of the reference.

Claim 1 further recites, "wherein the set of complex weights used to modify each of the sub-carriers includes different weights for each of the two or more antenna of the array."

The Examiner refers to Figure 8 and paragraph 87 of Buehrer for this limitation. However, the "w" terms in the table of Figure 8 are not weights, but Walsh codes. Paragraphs 86 and 87 which describe the table discuss Walsh codes and the use of "w" for Walsh codes begins with paragraph 4.

Based on the many limitations of Claim 1 that are absent from the teachings of both references. Applicants respectfully submit that Claim 1 is not obvious. The other pending claims contain similar limitations and are believed to be allowable on the same or similar grounds.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**


The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for a One-Month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Respectfully submitted,  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: September 3, 2008



---

Gordon R. Lindeen III  
Reg. No. 33,192

1279 Oakmead Parkway  
Sunnyvale, California 94085  
(303) 740-1980